

**239 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Neutral Citation No. 2024:PHHC:012171
CRM-M-3489-2024
Date of Decision: January 30, 2024**

Badal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Bikramjeet Singh Jatana, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

By way of this petition filed under Section 439 Cr.P.C., petitioner prays for his release on regular bail in a case arising out of FIR No.0059 dated 29.09.2021, under Sections 22(c) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Jaurkian, District Mansa.

2. As per the prosecution allegations, petitioner alongwith Jagwinder Singh were riding a motorcycle. They were apprehended by the police on 29.09.2021 on the basis of a secret information. From the polythene bag carried by them, 2800 tablets of tramwel 100-SR containing the salt of tamadol hydrochloride were recovered. The weight of the said salt was found to be 1047.984 grams, i.e. much more than the commercial category.

3. Learned counsel for the petitioner contends that despite his custody of more then 02 years and 04 months, only 05 witnesses have been examined so far and thus trial is likely to take a long time. Co-accused, Jagwinder Singh has already been allowed bail, though on the medical grounds. His earlier bail petition bearing No.53122-2021 was dismissed as withdrawn vide order dated 03.08.2023 (Annexure

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P-4) and ever since then, no substantial progress has been made in the trial.

4. Notice of motion.

5. Mr. Amit Rana, Sr. DAG, Punjab accepts notice on behalf of respondent-State.

6. Learned State counsel has placed on record the custody certificate, revealing that the petitioner is in custody for the last 02 years, 04 months and 01 day. He has no other criminal case pending against him. It is also informed by learned State counsel that out of 14 witnesses cited by the prosecution, only 05 have been examined so far and thus trial is likely to take a long time.

7. Having regard to all the aforesaid facts and circumstances, the rigor of Section 37 of the NDPS Act is required to be balanced with Article 21 of the Constitution of India. Considering the custody period of the petitioner and all the circumstances, but without commenting anything on the merits of the case, he is admitted to bail. He is ordered to be released on regular bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

January 30, 2024
sarita

(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No